IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.2863 OF 2005

Dinesh Dattatray Bapat ...Applicant

vs.

The State of Maharashtra ...Respondents

Mr.S.R.Chitnis i/b Shriniwas Patil for the Applicant.
Mr.K.V.Saste, A.P.P. for State

CORAM: A.S.OKA,J.
DATE : JUNE 6,2005.

P.C.:

1. Heard Counsel appearing for the parties. The allegation against the Applicant is as regards commission of offences punishable under Sections 328 and 376 of Indian Penal Code.

2. My attention has been invited to the order dated 24th February 2005 passed in the earlier Bail Application. When the earlier Application was filed in this Court, investigation was in progress. This Court rejected the Application only on the ground that if the Applicant is enlarged on bail, it will affect the further progress of the investigation. The Application for bail was rejected on the assurance given by the Investigating Officer that the investigation will be completed within two weeks from that day. Accordingly, investigation has been completed and the charge sheet was filed on 19th March 2005. The Applicant had made a fresh Application pursuant to the liberty granted by this Court by order dated 24th February 2005 and the said Application has

been rejected by the Sessions Court. The learned Sessions Judge has held that the allegations against the Applicant are extremely serious in nature and that the prosecutrix is a lady having a daughter of 10 years. The learned Sessions Judge has recorded that during the course of investigation handicam camera and video cassette were attached. It is not in dispute that the video cassette which was attached was found to be erased.

3. The earlier bail application was rejected by this Court only on the ground that investigation was in progress and the grant of bail will affect further progress of investigation. The alleged offence, as stated earlier is punishable under Sections 376 and 328 of Indian Penal Code. The prosecutrix has filed the complaint in January 2005 in respect of the incident which is of the year 2003. Now the investigation is already completed. The allegation against the Applicant is that he has recorded the incident of intercourse on video camera and that he showed the said video cassette to the prosecutrix. It is not in dispute that the video cassette which is attached is found to have been erased.

4. In this view of the matter, a case is made out for grant of bail. However, stringent conditions will have to be imposed considering the seriousness of the allegations against the Applicant.

5. Hence, the Applicant shall be enlarged on bail subject to the Applicant furnishing a P.R.Bond in the sum of Rs.15,000/- (Rupees fifteen thousand only) with two local sureties in the like amount. The bail granted will be subject to condition that -

i) The Applicant will attend the office of Social Crime Branch, Pune at 11.00 a.m. on every alternate day;

ii) The Applicant will not leave the country without permission of the concerned Court;

iii) The Applicant shall not directly or indirectly make inducement to the witnesses or give threat to any witness; and

iv) The Applicant shall cooperate with the learned Trial Judge for disposal of the case. In case the trial is delayed on account of the Applicant, the learned Trial Judge will make necessary entry in the Roznama and the said fact can be a ground for cancellation of bail.

. Parties to act upon an authenticated copy of this order.

JUDGE